

Deborah Bernen
86 Northbrook Drive
West Hartford, CT 06117

**STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING**

State of Connecticut
Department of Public Health

vs.

Deborah Bernen, RN
Registered Nurse License No. R47998
Respondent.

CASE PETITION NO. 950606-10-055

MEMORANDUM OF DECISION

PROCEDURAL BACKGROUND

The Board of Examiners for Nursing (hereinafter the "Board") was presented by the Department of Public Health (hereinafter the "Department") with a Statement of Charges dated June 27, 1995¹ (Department Exhibit 1). The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Deborah Bernen (hereinafter the "Respondent") which would subject the Respondent's Registered Nurse license to disciplinary action pursuant to the General Statutes of Connecticut.

The Board issued a Notice of Hearing, scheduling a hearing for June 19, 1996 (Department Exhibit 1). The hearing took place on June 19, 1996, in Room 2-A, Legislative Office Building, Capitol Avenue, Hartford, Connecticut.

During the hearing the Respondent moved for an Order Without Testimony. Following oral argument the Board denied the Respondent's motion. (Hearing Transcript, June 19, 1996, pp. 4-7)

¹ The Statement of Charges was presented to the Board, as part of a Motion for Summary Suspension, on June 28, 1995. The Motion for Summary Suspension was denied by the Board.

During the hearing on June 19, 1996, the Department orally amended Paragraph 2 of the Statement of Charges by changing "1995" to "1994".

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board's specialized professional knowledge in evaluating the evidence.

FACTS

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Deborah Bernen, hereinafter referred to as the Respondent, was issued Registered Nurse License Number R47998 on June 1, 1992. The Respondent was the holder of said license at all times referenced in the Statement of Charges. (Department Exhibit 1-F)
2. The Respondent was given due notice of the hearing and charges against her. Department Exhibit 1 indicates that the Statement of Charges and Notice of Hearing were delivered to the Respondent's attorney by certified mail on March 15, 1996.
3. The Respondent was present during the hearing and was represented by counsel. (Hearing Transcript, June 19, 1996)
4. The Respondent submitted a written answer to the Statement of Charges. (Respondent's Exhibit A-1)
5. From on or about June 1992 to April 1994, the Respondent was employed as a registered nurse on the Oncology Unit at St. Francis Hospital, Hartford, Connecticut. (Hearing Transcript, June 19, 1996, p. 34)

6. From on or about December 1993 to February 1994, while working as a registered nurse at St. Francis Hospital, the Respondent diverted for her own personal use the controlled substance Morphine. (Hearing Transcript, June 19, 1996, pp. 35-40, 58)
7. On or about June 1994, the Respondent began employment as a registered nurse at the Hebrew Home and Hospital, West Hartford, Connecticut. (Department Exhibit 2-B1)
8. From on or about December 1994 to April 1995, while working as a registered nurse at the Hebrew Home and Hospital, the Respondent diverted for her own personal use the controlled substance Morphine Sulfate. (Department Exhibits 2-A, B) (Answer: Respondent's Exhibit A-1) (Hearing Transcript, June 19, 1996, p. 40)
9. From on or about December 1994 to April 1995, while working as a registered nurse at the Hebrew Home and Hospital, the Respondent accomplished the diversion of Morphine Sulfate by falsifying controlled substance proof of use sheets. The Respondent signed out doses of Morphine Sulfate on proof of use sheets, by forging the signatures of other nurses, for patients who had not requested the medication. (Department Exhibit 2-A, B)
10. On or about April 7, 1995 to October 1995, the Respondent underwent chemical dependency treatment at the Institute of Living, Hartford, Connecticut. Since September 1995, the Respondent has been receiving individual therapy for chemical dependency and has been participating in Alcoholics Anonymous and the support group Nurses for Nurses. (Respondent's Exhibit A-2, A-3) (Hearing Transcript, June 19, 1996, pp. 12-15, 46-47, 50-53)
11. Beginning on or about May 6, 1995, the Respondent has been employed as a registered nurse at West Side Multicare Center, Manchester, Connecticut. (Respondent's Exhibits A-5)

DISCUSSION AND CONCLUSIONS

In consideration of the above Findings of Fact, the following conclusions are rendered:

Deborah Bernen held a valid Registered Nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges sufficiently provided legal notice as mandated by the General Statutes of Connecticut §4-177, §4-182 and §19a-17. The hearing was held in accordance with Chapters 54 and 368a of the General Statutes of Connecticut as well as §19-2a-1 through §19-2a-30 of the Regulations of Connecticut State Agencies. The Notice of Hearing, Statement of Charges and the hearing process provided the Respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by the General Statutes of Connecticut §4-182(c).

PARAGRAPH 3 of the Statement of Charges, as amended, alleges that on or about December 1994 and subsequent thereto, including certain dates in March and April 1995, while working as a registered nurse at the Hebrew Home and Hospital, West Hartford, Connecticut, the Respondent:

- “a. diverted injectible (sic) morphine;
- b. failed to completely, properly and/or accurately document medical and/or hospital records; and/or
- c. falsified one or more controlled substance receipt records.”

PARAGRAPH 4 of the Statement of Charges, as amended, alleges the Respondent has abused or utilized to excess, Morphine.

The Respondent admits these charges. (Answer: Respondent's Exhibit A-1)

The General Statutes of Connecticut §20-99(b) prohibits conduct which fails to conform to the accepted standards of the nursing profession, which includes “...(2) illegal conduct, incompetence or negligence in performing usual nursing functions...(5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals....”

Based on its review of the evidence, testimony, and the Respondent's admission, the Board concludes that the Respondent's conduct as alleged in Paragraphs 3 and 4 of the Statement of Charges, as amended, is proven and that said conduct constitutes violations of the General Statutes of Connecticut §20-99(b)(2) and (5). Therefore, the Respondent is subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.

ORDER

Pursuant to its authority under §19a-17 and §20-99 of the General Statutes of Connecticut, the Board of Examiners for Nursing hereby orders the following:

1. That for Paragraphs 3 and 4 of the Statement of Charges, the Respondent's registered nurse license, No. R47998, is placed on probation for a period of four (4) years.
2. If any of the following conditions of probation are not met, the Respondent's registered nurse license may be subject to disciplinary action pursuant to §19a-17 of the General Statutes of Connecticut.
 - A. During the period of probation the Board shall pre-approve the Respondent's employment and/or change of employment within the nursing profession.
 - B. The Respondent shall provide a copy of this Memorandum of Decision to any and all employers if employed as a nurse during the probationary period. The Board shall be notified in writing by any employer(s), within thirty (30) days of the commencement of employment, as to receipt of a copy of this Memorandum of Decision.
 - C. If employed as a nurse the Respondent shall cause monthly employer reports to be submitted to the Board by her immediate supervisor during the entire probationary period. Employer reports shall commence with the report due on the first business day of December 1996.

- D. The employer reports cited in Paragraph C above shall include documentation of the Respondent's ability to safely and competently practice nursing. Employer reports shall be issued to the Board at the address cited in Paragraph O below.
- E. Should the Respondent's employment as a nurse be voluntarily or involuntarily terminated, the Respondent's employer shall notify the Board, within seventy-two (72) hours, of such termination.
- F. At her expense, the Respondent shall engage in therapy and counseling for chemical dependency with a licensed or certified therapist during the entire period of probation.
- G. The Respondent shall provide a copy of this Memorandum of Decision to her therapist. The Board shall be notified in writing by her therapist, within thirty (30) days of the effective date of this Decision, as to receipt of a copy of this Memorandum of Decision.
- H. The Respondent shall cause bi-monthly evaluation reports to be submitted to the Board by her therapist during the entire probationary period. Therapist reports are due on the first business day of January, March, May, July, September, and November, commencing with the report due January 2, 1997.
- I. The therapist reports cited in Paragraph H above shall include documentation of dates of treatment, and an evaluation of the Respondent's progress, including alcohol and drug free status, and ability to safely and competently practice nursing. Therapist reports shall be issued to the Board at the address cited in Paragraph O below.
- J. At her expense the Respondent shall be responsible for submitting to random urine and/or blood screens for alcohol and drugs for the entire probationary period, as ordered by her therapist, and/or personal physician, and/or the Board of Examiners for Nursing.

Random alcohol/drug screens shall be legally defensible in that chain of custody procedures must be followed throughout the screening process. The Respondent shall be responsible for immediately notifying the laboratory, her therapist and/or personal physician and the Board of Examiners for Nursing of any drug(s) she is taking.

There must be at least one (1) such random alcohol/drug screen monthly during the entire probationary period, with the following exception:

1. For the one (1) year period immediately following the resumption of medication administration activities, there must be at least two (2) random alcohol/drug screens monthly.

Random alcohol/drug screens shall be negative for the presence of alcohol and drugs. All positive results shall be confirmed by the Gas Chromatograph Mass Spectrometer (GC/MS) testing method. Chain of custody documentation must accompany all laboratory reports and/or the laboratory reports must indicate that chain of custody procedures have been followed.

Random alcohol/drug screens must include testing for the following substances:

- Amphetamines
- Barbiturates
- Benzodiazepines
- Cannabinoids (THC Metabolites)
- Cocaine
- Meperidine (Demerol)
- Methadone
- Methaqualone
- Opiates (Metabolites)
- Phencyclidine (PCP)
- Propoxyphene
- Ethanol (alcohol)

Reports of random alcohol and drug screens shall be submitted directly to the Board, at the address cited in Paragraph O below, by the Respondent's therapist or personal physician or the testing laboratory. Reports of said random alcohol/drug screens are due on the first business day of the month commencing with the reports due on December 2, 1996.

- K. The Respondent shall not obtain for personal use and/or use alcohol or any drug that has not been prescribed for her, for a legitimate purpose, by a licensed health care practitioner authorized to prescribe medications. The Respondent shall not abuse and/or excessively use alcohol and/or drugs.
- L. The Respondent is hereby advised that the ingestion of poppy seeds may produce a positive drug screen result indicating the presence of opiates/morphine. For that reason, any food substance containing poppy seeds should be avoided during the probationary period. In the event that a drug/alcohol screen is positive for opiates/morphine, the ingestion of poppy seeds shall not constitute a defense to such positive screen.
- M. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of employment.
- N. The Connecticut Board of Examiners for Nursing must be informed in writing prior to any change of address.
- O. All correspondence and reports are to be addressed to:

**DEPARTMENT OF PUBLIC HEALTH
BOARD OF EXAMINERS FOR NURSING
LEGAL OFFICE - MONITORING & COMPLIANCE
410 Capitol Avenue, MS #12LEG
P. O. Box 340308
Hartford CT 06134-0308**

- 4. Any deviation from the terms of probation, without prior written approval by the Board of Examiners for Nursing, will constitute a violation of probation which will be cause for an immediate hearing on charges of violating this Order. Any finding that the Respondent has violated this Order will subject the Respondent to sanctions under §19a-17(a) and (c) of the General Statutes of Connecticut, including but not limited to, the revocation of her license. Any extension of time or grace period for reporting granted by the Board of Examiners for Nursing shall

not be a waiver or preclude the Board's right to take subsequent action. The Board of Examiners for Nursing shall not be required to grant future extensions of time or grace periods. Notice of revocation or other disciplinary action shall be sent to the Respondent's address of record (most current address reported to the Licensure and Registration Section of the Division of Health Systems Regulation of the Department of Public Health or the Board of Examiners for Nursing).

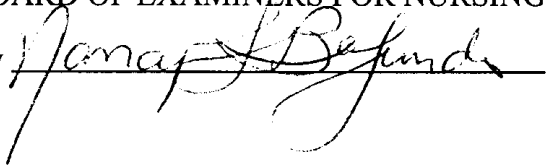
5. This Memorandum of Decision becomes effective, and the four (4) year probation of the Respondent's registered nurse license shall commence, on November 1, 1996.

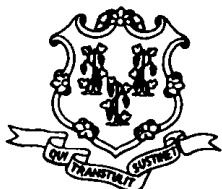
The Board of Examiners for Nursing hereby informs the Respondent, Deborah Bernen, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Hartford, Connecticut this 16th day of October 1996.

BOARD OF EXAMINERS FOR NURSING

By

A handwritten signature in cursive script, appearing to read "Janet J. Befunda", written over a horizontal line.



STATE OF CONNECTICUT

DEPARTMENT OF PUBLIC HEALTH

November 1, 2000

Deborah Bernen, RN
10 Northbrook Drive
West Hartford, Connecticut 06117

Re: Memorandum of Decision
Petition No. 950606-010-055
License No. R47998
DOB: ~~REDACTED~~

Dear Ms. Bernen:

Please accept this letter as notice that you have satisfied the terms of your license probation, effective 11/1/2000.

Notice will be sent to the Department's Licensure and Registration section to remove all restrictions from your license related to the above-referenced Memorandum of Decision.

Thank you for your cooperation during this process.

Very truly yours,

Bonnie Pinkerton, RNC
Division of Health Systems Regulation

cc: D. Tomassone
J. Wojick



Phone: (860) 509-7400

Telephone Device for the Deaf (860) 509-7191

410 Capitol Avenue - MS # 12HSR

P.O. Box 340308 Hartford, CT 06134

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